

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF)
RESOURCE COUNCILS, *et al.*,)

Plaintiffs,)

v.)

U.S. BUREAU OF LAND)
MANAGEMENT,)

Defendant, and)

STATE OF WYOMING,)

Intervenor Defendant.)

Case No. 4:20-cv-00076-BMM-JTJ

**DECLARATION OF
THERESA M. HANLEY**

I, Theresa M. Hanley, in accordance with the requirements of 28 U.S.C.
§ 1746, declare:

1. I am over 18 years of age, competent to testify in this case, and have
personal knowledge of the matters discussed in this declaration.

2. I am the Acting State Director for the Montana-Dakotas Bureau of Land
Management (BLM), I have been employed with BLM in this capacity since
January 2, 2022. Before assuming that role, I was the Montana-Dakotas BLM

Associate State Director in Billings, Montana since November 2019 and have worked for BLM for 30 years in various capacities.

3. In my capacity as the acting Montana State Director, I oversee BLM's preparation of Resource Management Plans (RMPs) in Montana and in particular the Miles City Montana RMP amendment. On August 27, 2020, plaintiffs challenged the BLM's approvals of the Miles City Montana and Buffalo Wyoming RMP amendments.

4. As briefing has proceeded in this case, the BLM has determined that it is appropriate to re-examine the challenged decision and environmental analysis for the Miles City RMP and prepare a new supplemental NEPA analysis for the RMP. I provided a previous declaration in this case on February 25, 2022, and now provide additional information to support BLM's request for a voluntary remand without vacatur.

5. In late 2021, BLM initiated a review of the federal coal leasing program and through public scoping received 77,000 comments on the leasing program. BLM summarized these comments in January 2022. The comment summary is available at https://eplanning.blm.gov/public_projects/2016861/200502862/20051861/250058044/CoalProgramReview_CmtSummaryRpt_Final_508.pdf and the BLM now is considering the comments in the ongoing evaluation of the current federal coal leasing program.

6. As briefing proceeded in this case, BLM leadership determined the comments on the federal coal program raised a substantial and legitimate concern with the various coal allocation alternatives considered in both the Buffalo and Miles City RMPs and whether a no future coal leasing alternative should be considered and analyzed. BLM now considers it appropriate to take into account public comments and information from the coal leasing program review and to allow review of an expanded range of alternatives for the allocation decisions for future leasing under the Miles City resource management plan.


7. Specifically, BLM has determined that it would be appropriate to consider different alternative allocations of lands open for future coal leasing. BLM is also considering how the coal screening criteria of 43 C.F.R. 3420.1-4 could be adjusted through future rulemaking or guidance to take into account climate change issues more explicitly as a multiple use factor in the screening process. A revised coal screening process could then be applied to allow review of a range of alternatives to inform future allocation decisions for the Miles City plan.

8. BLM believes that if the plan decision is remanded without vacatur, BLM could revisit the plan's land use allocation for future coal leasing through a new supplemental NEPA analysis that (1) considers the public comments received on the federal coal program evaluation, and (2) includes a coal screening process that more explicitly accounts for climate change issues as multiple use factors.

9. BLM would initiate a plan amendment process with additional NEPA review and public input once the Court has remanded the Miles City RMP decisions on allocations for future coal leasing back to BLM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4th day of March, 2022.

**THERESA
HANLEY**  Digitally signed by
THERESA HANLEY
Date: 2022.03.04
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Theresa M. Hanley
Acting State Director
Montana-Dakotas
Bureau of Land Management